

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

☐ CHECK BOX, if applicable:
DUPLICATE

EL807554099US

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☒ PTO-1449
 - b. ☒ Copies of IDS Citations

396.00 CH

CLAIM	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	42 - 42* =		x \$	= \$ 0.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	4 - 4** =		x \$	= 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) 37 CFR 1.16(d))			+ \$	=
				BASIC FEE (37 CFR 1.16)	740.00
				Total of above Calculations =	740.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent.				
	** Reissue independent claims over original patent.				
				TOTAL =	\$ 740.00

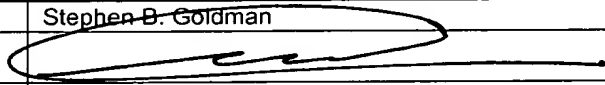
6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to
Deposit Account No. 12-1095 :
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$ _____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of
(not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☐ Other: _____

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label		or	<input type="checkbox"/> New correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone	Fax	

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Stephen B. Goldman
Signature	
Registration No. (Attorney/Agent)	28,512
Date	3/4/2002



#18/Response
hmjrga-
3/18/02

PATENT
WINX 3.0-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :
HIDEO KOJIMA :
Application No. 09/272,467 : Group Art Unit: 3713
Filed: March 19, 1999 : Examiner: Scott E. Jones
For: IMAGE PROCESSING METHOD, : Date: March 4, 2002
VIDEO GAME APPARATUS AND :
STORAGE MEDIUM :
X

BOX CPA
Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

This Preliminary Amendment is in consideration of the Advisory Action dated January 29, 2002 in response to Applicant's Amendment dated November 16, 2001 to the final rejection dated June 19, 2001. A Notice of Appeal was submitted by Applicant on December 12, 2001. Accordingly, a response in view of Applicant's Notice of Appeal is due by April 4, 2002. In view of the within remarks, reconsideration of the Examiner's rejection is respectfully requested.

In the Advisory Action, the Examiner has stated that Goden, et al., U.S. Patent No. 5,830,066 reads on the limitations in independent claims 1, 9, 21 and 32. The Examiner has therefore indicated that our prior response to the final rejection has not placed the application in condition for

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allowance. In the final rejection, Applicant's independent claims 1, 9, and 32 were rejected under 35 U.S.C. §102(e) as being anticipated by Goden, et al., while independent claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Goden, et al. in view of Mukojima, et al., U.S. Patent No. 5,768,393. In view of the within remarks, the Examiner's rejection is considered traversed and should therefore be withdrawn.

As disclosed in Applicant's specification on page 16, lines 21 *et seq.*, upon detection of the command for motion of the player character, the command analyzing section 211 sends the contents of the command to the player character position/motion detecting section 212. Based on the contents of the foregoing motion command, the player character position/motion detecting section 212 detects a position and motion of the player character actually displayed on the display unit. The results of the detection are sent to the image managing section 213. Depending on the detected position and motion of the player character, the image managing section 213 produces display data of scene images which change on the display unit. The image managing section includes a mode switching section 214, which based on the detected position and motion of the player character, selects one of four basic mode processes for an image to be displayed on the display unit.

The four basic mode processes are (1) a bird's eye view mode process for displaying a scene image in which the player character and the state of the motion thereof are objectively watched or viewed in a bird's eye view style, (2) a subjective mode process for displaying an image viewed by the player character's viewpoint, (3) and intrude mode process for displaying a scene image viewed by the player character's viewpoint in the state where the player character is moved and (4) a behind mode process for displaying a scene image in which the player character and a region behind a wall are viewed in a single display screen. Further, the mode switching section outputs to a tone generator managing section 217, tone generator command data for controlling the sound control section 30 to produce a sound effect corresponding to each of the mode processes. A further detailed description of the mode processes is disclosed on page 19, lines 9 *et seq.*

Turning to Applicant's claims, claim 1 includes the limitation of selectively producing one of a first scene image and a second scene image based on the detected position and motion of the character. The first scene image is subjectively viewed by the character and the second scene image is objectively viewing the motion of the character.

As to independent claim 9, the scene image producing section selectively produces one of a first scene image, a second scene image and a third scene image based on a position and

motion of the character. The first scene image is subjectively viewed by the character while stopped in a moveable state, the second scene image is subjectively viewed by the character while moving, and the third scene image is objectively viewing the character and motion of the character.

As to independent claim 21, the scene image producing section produces a scene image which changes according to a position and motion of the character. The scene image producing section produces a first scene image when the character is stopped in a moveable state and a second scene image when the character is moved. The first scene image is subjectively viewed by the character and the second scene image is objectively viewing the motion of the character.

As to independent claim 32, the computer program includes a process of detecting a position and motion of a character to be displayed. A subjective mode process produces a first scene image subjectively viewed by the character while stopped in a moveable state. An intrude mode process produces a second scene image subjectively viewed by the character while moving. A bird's eye view mode process produces a third scene image objectively viewing the character and the motion of the character. Further, the computer program switches among the subjective mode process, the intrude mode process and the bird's eye view mode process according to the position and motion of the

character so as to display corresponding one of the first, second and third scene images on the display unit.

The aforementioned limitations as set forth in Applicant's claims are neither disclosed nor taught by Goden, et al., either alone or in combination with Mukojima, et al.

Turning to Goden, et al., the Examiner's attention is directed to Figs. 4 and 5(a)-5(f), and accompanying description bridging col. 11, line 59-col. 14, line 43. As disclosed, the curved line circling the characters 24, 25 in Fig. 4 is the path traveled by the coordinates of the camera viewpoint. The camera moves in an anti-clockwise direction along the six camera viewpoints (1-6) labeled along the path. Figs. 5(a)-5(f) represent six scenes corresponding to the image taken at a respective one of the six camera viewpoints. A specific description of each of these images may be found in col. 12, lines 11-30.

The viewpoint coordinates are stored in RAM 103. After displaying a screen image from viewpoint 1, the CPU 101 determines whether or not the final coordinate position of the camera has been reached. If not, the camera viewpoint coordinates stored in RAM 103 are updated and the CPU transfers the new coordinates for displaying the scene image. This process is repeated so as to display the scene image at each of the six camera viewpoints as denoted on Fig. 4.

It is noted in Goden, et al. that the camera viewpoints may be displayed non-consecutively, forward or reverse order. These individual camera viewpoints are clearly not displayed based upon the detected position and motion of the character. As previously noted, the CPU 101 determines whether or not the final coordinate position of the camera has been reached (step 307). If not (step 307), the camera viewpoint coordinates stored in the prescribed area of the RAM 103 are updated (step 308) and the CPU 101 transfers the coordinates for processing in step 304. Accordingly, the Examiner's position that Goden, et al. discloses individual scenes in Fig. 5(a)-5(f) which are selectively produced based on the detected display position and motion of the character is not supportable. Goden, et al. is insufficient as a matter of law of disclosing Applicant's claimed invention of switching between a subjective scene image and objective scene image based upon the detected display position and motion of a character.

The Examiner broadly refers to the disclosure in Goden, et al. in col. 11, lines 48-col. 21, line 27. The Examiner is referred to col. 14, ln. 50-col. 17, ln. 8 under the heading "Operation for Determining Viewpoints" which teaches how to determine the camera orientation according to an angle of a curve. This viewpoint determination based on a curve angle is irrelevant to Applicant's claimed invention wherein one of a subjective scene image and an objective scene image is

selectively produced based on the detected display position and motion of the character. Similarly, the Examiner's attention is directed to Goden, et al., col. 17, ln. 7-col. 18, ln. 38 under the heading "Operation for Coordinate Processing to Represent a River Flow"; col. 18, ln. 39-col. 20, ln. 4 under the heading "Operation for Screen Movement Processing"; and col. 20, lns. 5-64 under the heading "Description of Polygon Number Restriction." These teachings in Goden, et al., once again, are totally irrelevant to the foregoing features which distinguish all of Applicant's claims over Goden, et al. Here again, there is nothing in Goden, et al. to teach or suggest that one of a subjective scene image and an objective scene image is selectively produced based on the detector display position and motion of the character.

Notwithstanding the foregoing, it is further pointed out to the Examiner that Goden, et al. in col. 20, ln. 65-col. 21, ln. 27 under the heading "Description of Field of View Angle" teaches how to change the field of view angle with game development. Specifically as described at col. 21, lns. 19-24, when the truck is traveling through a tunnel, the field of view angle is set extremely small, when it is traveling through hills or the like, the field of view is set to a medium angle, and when it is traveling across a plane or the like, the field of view is set to a large angle. This teaching in Goden, et al. of changing

the field of view angle is once again contrary to Applicant's invention.

The fact is, the Examiner has failed to cite any portion of Goden, et al. which teaches or suggests that one of a subjective scene image and an objective scene image is selectively produced based on the detected display position and motion of the character. Rather, the Examiner refers to other aspects of Goden, et al. as to camera viewpoint positions, none of which teach or suggest the foregoing claimed features as set forth in claims 1-42, and specifically independent claims 1, 9, 21 and 32. It is therefore Applicant's position that Goden, et al. does not support the Examiner's position that Goden, et al. "reads on the limitations in independent claims 1, 9, 21 and 32." Accordingly, the Examiner's rejection is considered traversed and should therefore be withdrawn.

In considering Applicant's within response, Applicant designates the dependent claims as being allowable by virtue of their ultimate dependency upon submittedly allowable independent claims. Although Applicant has not separately argued the patentability of each of the dependent claims, Applicant's failure to do so is not to be taken as an admission that the features of the dependent claims are not themselves separably patentable over the prior art cited by the Examiner.

As all issues raised by the Examiner have now been overcome, Notice of Allowance is respectfully requested. If, for

Application No. 09/272,467

any reason, the Examiner is of the opinion that such action cannot be taken at this time, he is invited to telephone the undersigned at (908) 654-5000, so as to overcome any additional issues that may need resolution. If there are any fees to be incurred in connection with this response, the Examiner is authorized to charge Deposit Account No. 12-1095.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,
KRUMHOLZ & MENTLIK, LLP

A handwritten signature in black ink, appearing to read 'Stephen B. Goldman', enclosed within a large, loopy oval shape.

STEPHEN B. GOLDMAN
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